

Exhibit 25

E. Evans Wohlforth, Jr.
ROBINSON & COLE LLP
666 Third Avenue, 20th Floor
New York, NY 10174
212-451-2954
ewohlforth@rc.com

David Elsberg (*admitted pro hac vice*)
Andrew R. Dunlap (*admitted pro hac vice*)
Meredith Nelson (*admitted pro hac vice*)
Elizabeth Snow (*admitted pro hac vice*)
SELENDY GAY ELSBERG, PLLC
1290 Avenue of the Americas
New York, NY 10104
212-390-9000
delsberg@selendygay.com
adunlap@selendygay.com
mnelson@selendygay.com
esnow@selendygay.com

Attorneys for Defendant Save On SP, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Civil Action No. 22-2632 (ES) (CLW)

**DEFENDANT'S RESPONSES AND
OBJECTIONS TO PLAINTIFF'S
SIXTH SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

To: Jeffrey J. Greenbaum, Esq.
SILLS CUMMIS & GROSS, P.C.
One Riverfront Plaza
Newark, New Jersey 07102
973-643-7000

Adeel A. Mangi, Esq.
Harry Sandick, Esq.
George LoBiondo, Esq.
PATTERSON BELKNAP WEBB
& TYLER LLP
1133 Avenue of the Americas
New York, New York

*Attorneys for Plaintiff Johnson & Johnson
Health Care Systems Inc.*

Pursuant to Federal Rule of Civil Procedure 34, Defendant Save On SP, LLC (“SaveOnSP”), by and through its undersigned counsel, responds and objects to Plaintiff Johnson & Johnson Health Care Systems Inc.’s (“JJHCS”) Sixth Set of Requests for Production, dated June 23, 2023 (the “Requests”). If SaveOnSP learns that in some material respect its responses are incomplete or incorrect, SaveOnSP will correct them if the additional or corrective information has not otherwise been made known to JJHCS during the discovery process or in writing. Fed. R. Civ. P. 26(e)(1)(A).

OBJECTIONS TO DEFINITIONS

1. SaveOnSP objects to the definition of the term “SaveOnSP” as including attorneys and accountants who may be outside of SaveOnSP’s possession, custody, and control. SaveOnSP interprets the term “SaveOnSP” to mean SaveOnSP, and any and all predecessors and successors in interest, assignees, parents, subsidiaries, affiliates, divisions or departments, agents, representatives, directors, officers, employees, committees, and all persons or entities acting or purporting to act on behalf or under the control of SaveOnSP.

2. SaveOnSP objects to the definition of “SaveOnSP Program,” as described in Complaint ¶¶ 9-17 and ¶¶ 50-88, because it mischaracterizes SaveOnSP’s services. SaveOnSP will not use this definition.

3. SaveOnSP objects to the definition of “You” and “Your” to the same extent that it objects to the definition of “SaveOnSP.”

4. SaveOnSP objects to the definition of “Drug List” to the extent that objects to the definition of the “SaveOnSP Program.”

OBJECTIONS TO INSTRUCTIONS

5. SaveOnSP objects to Instruction No. 18 to the extent that JJHCS attempts to impose requirements on SaveOnSP beyond those required by the Federal Rules of Civil Procedure, agreed to by the parties, or ordered by the Court.

6. SaveOnSP objects to Instruction No. 20 to the extent that it asks SaveOnSP to produce Documents and Communications outside of its possession, custody, and control or asks SaveOnSP to provide information beyond that which SaveOnSP can identify after a reasonable search. SaveOnSP will produce relevant, non-privileged documents within its possession, custody, or control that it can identify after a reasonable search.

7. SaveOnSP objects to Instruction No. 22 to the extent that JJHCS attempts to impose requirements on SaveOnSP beyond those required by the Federal Rules of Civil Procedure, agreed to by the parties, or ordered by the Court.

8. SaveOnSP uses the term “Janssen Drugs” as defined in SaveOnSP’s First Request for Production of Documents to JJHCS, dated November 11, 2022.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 81: All documents and communications from May 4, 2022 through the present relating to SaveOnSP’s communications with Payors, Plan Members, and healthcare providers concerning the Action.

RESPONSE: SaveOnSP objects to this Request to the extent that it seeks documents that do not concern the subject matter of this Action, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents concerning communications with healthcare providers, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents created after July 1, 2022, as production of documents after that time would be unduly burdensome. The parties have generally agreed to end production as of July 1, 2022, unless a party shows a specific need for documents created later, which JJHCS has not done here.

SaveOnSP will produce (as it has already agreed to produce) communications with plan participants and plans that are relevant to the subject matter of this Action from April 1, 2016 to July 1, 2022. *See, e.g.*, SaveOnSP's Responses & Objections to JJHCS's RFP Nos. 5, 7, 23, 53, 54.

SaveOnSP will not produce additional documents in response to this Request.

REQUEST NO. 82: All documents and communications from May 16, 2023 through the present relating to SaveOnSP's communications with Payors, Plan Members, and healthcare providers relating to the disputes set forth in the Joint Letter.

RESPONSE: SaveOnSP objects to this Request to the extent that it seeks documents that do not concern the subject matter of this Action, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents concerning communications with healthcare providers, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents created after July 1, 2022, as production of documents after that time would be unduly burdensome. The parties have

generally agreed to end production as of July 1, 2022, unless a party shows a specific need for documents created later, which JJHCS has not done here.

SaveOnSP will produce (as it has already agreed to produce) communications with plan participants and plans that are relevant to the subject matter of this Action from April 1, 2016 to July 1, 2022. *See, e.g.*, SaveOnSP's Responses & Objections to JJHCS's RFP Nos. 5, 7, 23, 53, 54.

SaveOnSP will not produce additional documents in response to this Request.

REQUEST NO. 83: All documents and communications from January 2, 2023 to the present relating to any contemplated or actual changes to any Drug List, including but not limited to contemplated or actual changes to be effective July 1, 2023.

RESPONSE: SaveOnSP objects to this Request to the extent that it seeks documents that do not concern the subject matter of this Action, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents that do not concern Janssen Drugs, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents beyond any final Drug Lists that involve Janssen Drugs that were effective July 1, 2023. The burden and expense of producing such documents outweighs the marginal relevance of the material requested. SaveOnSP will not produce such documents.

SaveOnSP will produce any final Drug Lists that involve Janssen Drugs that were effective July 1, 2023.

REQUEST NO. 84: All documents and communications from January 1, 2017 to the present supporting Your "factual assertions, based on SaveOnSP's internal, confidential records," set forth in the Joint Letter, "regarding the monetary harm that JJHCS's proposed relief would cause

SaveOnSP and its clients,” if JJHCS excludes patients who are enrolled in the SaveOnSP Program from CarePath.¹

RESPONSE: SaveOnSP objects to this Request to the extent that it seeks documents that do not concern the subject matter of this Action, as such documents are irrelevant to the claims or defenses in this action. SaveOnSP will not produce such documents.

SaveOnSP objects to this Request to the extent that it seeks documents beyond data sufficient to show the amount of savings related to Janssen Drugs for its clients and SaveOnSP’s fees related to those savings. The burden and expense of producing such documents outweighs the marginal relevance of the material requested. SaveOnSP will not produce such documents.

SaveOnSP will produce (as it has always agreed to produce) data sufficient to show the amount of savings that relate to the services it provides to plans regarding Janssen Drugs for its clients, and SaveOnSP’s fees related to those savings. *See, e.g.*, SaveOnSP’s Responses & Objections to JJHCS’s RFP Nos. 13 and 31.

SaveOnSP will not produce additional documents in response to this Request.

¹ *See* June 16, 2023 Email from M. Nelson to J. Greenbaum (“These were instead factual assertions, based on SaveOnSP’s internal, confidential records, regarding the monetary harm that JJHCS’s proposed relief would cause SaveOnSP and its clients. These references can be appropriately sealed from public disclosure.”); *see also* Joint Letter, dated June 2, 2023, Dkt. 139, at 7 (“JJHCS’s proposed action [to remove plan members enrolled in SaveOnSP from CarePath] would cost SaveOnSP [REDACTED] and would cost the employers who are SaveOnSP’s clients over a [REDACTED].”).

Dated: July 24, 2023

By: /s/ E. Evans Wohlforth, Jr.
E. Evans Wohlforth, Jr.
ROBINSON & COLE LLP
666 Third Avenue, 20th Floor
New York, NY 10174
212-451-2954
ewohlforth@rc.com

David Elsberg
Andrew R. Dunlap
Meredith Nelson
Elizabeth Snow
SELENDY GAY ELSBERG, PLLC
1290 Avenue of the Americas
New York, NY 10104
212-390-9000
delsberg@selendygay.com
adunlap@selendygay.com
mnelson@selendygay.com
esnow@selendygay.com

Attorneys for Defendant Save On SP, LLC